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Attorney Docket No. 0459-0461P

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PATENT

For fee only

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: WEIDNER, M. CONF: 9245
SERIAL NO.: 09/613,468 GROUP: 1616
FILED: July 10, 2000 EXAMINER: GOLLAMUDI, S.
FOR: NOVEL COMPOSITION CONTAINING EXTRACTS OF
BUTYROSPERMUM PARKII AND THE USE OF SUCH A
COMPOSITION FOR PREPARING A MEDICAMENT OR A
DIETARY SUPPLEMENT FOR THE TREATMENT OR
PREVENTION OF INFLAMMATORY HYPERSENSITIVITY OR
PAIN

REPLY UNDER 37 C.F.R. §1.111 FILED CONCURRENTLY
WITH A REQUEST FOR CONTINUED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 19, 2003

Sir:

In response to the Examiner's Final Office Action dated November 19, 2002, the period for response having been extended three (3) months to May 19, 2003, the following amendments and remarks are respectfully submitted in connection with the above-identified application.

AMENDMENTS

Claims 1-5, 17, and 26-34 have been amended. New claims 35-38 have been added. The claims as amended herein are attached hereto on a separate sheet.

15/27/2003 BABRAHA1 00000116 09613468

12 FC:2253

465.00 DP

09613468

01/14/2005 FPATERS 00000002 022448

36.00 DA

01 FC:2202

and are known to possess different properties. Accordingly, Applicant submits that the Examiner has not established a *prima facie* case of obviousness as there is no motivation or suggestion within the references which suggest that the extracts from fruits and interchangeable with the extracts from the flower. Reconsideration and removal of the rejection is respectfully requested.

The above comments will be further supported by a Declaration under Rule 132 that will be submitted shortly, supplemental to the response.

Favorable action and the early allowance of the claims are requested.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicant respectfully petitions for a three (3) month extension of time for filing a response in connection with the present application and the required fee of \$ 465.00 is attached hereto.

The Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: May 19 2003
(Date of Deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

[Signature]
(Signature)
May 19 2003
(Date of Signature)

LRS/KR/sml

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: [Signature]
Leonard R. Svensson, Reg. No. 30, 330

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Attachments: Marked Up Version of the Claims to Show Changes Made